



Case MP/W-21927/A/AC 536

**DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS**

☒ Original    ☐ Supplemental    ☐ Substitute    ☐ PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**TREATMENT OF MINERAL MATERIALS**

which is described and claimed in:

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- ☐ the attached specification.
- ☒ the specification in U.S. application No. 09/866,967 filed May 29, 2001.
- ☐ the specification in International Application No. PCT/ \_\_\_\_\_, filed \_\_\_\_\_, assigned U.S. Application No. \_\_\_\_\_ (if applicable), and as amended (month/day/year)
- ☐ under PCT Article 19 on \_\_\_\_\_ (if applicable) (month/day/year)
- ☐ under PCT Article 34 on \_\_\_\_\_ (if applicable) (month/day/year)
- ☐ and further amended on \_\_\_\_\_ (if applicable) (month/day/year)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby state that I will disclose all information which is known by me to be material to the

I hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America relating to this subject matter having a filing date before that of the application on which priority is claimed:

COUNTRY/REGION (OR PCT)	APPLICATION NO.	FILING DATE (month/day/year)	PRIORITY CLAIMED	
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under 35 USC § 119(e) of any United States provisional application(s) listed below:

APPLICATION NO.	FILING DATE (month/day/year)
60/208,161	May 31, 2000
60/273,116	March 2, 2001
60/273,117	March 2, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) ~~designating the United States listed below and~~, insofar as the application discloses and claims subject matter in addition to that disclosed in the prior copending application. I acknowledge the duty to disclose all information known by me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. APPLICATION NO.	FILING DATE (month/day/year)	STATUS		
_____	_____	<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
_____	_____	<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned
_____	_____	<input type="checkbox"/> Patented	<input type="checkbox"/> Pending	<input type="checkbox"/> Abandoned

PCT APPLICATION NO.	INTERNATIONAL FILING DATE (month/day/year)	U.S. APPLICATION NO. (if any)	STATUS
_____	_____	_____	<input type="checkbox"/> Patented
			<input type="checkbox"/> Pending
			<input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents, associated with Customer No. 000324, each of them with full power of substitution, revocation and appointment of associates, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

JoAnn L. Villamizar (Reg. No. 30,598), Kevin T. Mansfield (Reg. No. 31,635), David R. Crichton (Reg. No. 37,300), Tyler A. Stevenson (Reg. No. 46,388), Michele A. Kovaleski (Reg. No. 37,865).

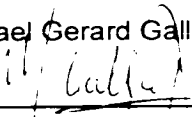
Address all correspondence associated with Customer No. 000324 to **Ciba-Specialty Chemicals Corporation, Patent Department, 540 White Plains Road, P.O. Box 2995, Tarrytown, NY 10591-9005.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful

Full name of sole  
or first joint inventor

Michael Gerard Gallagher

Inventor's signature



Date

8/30/01

month/day/year

Residence

4901 Saratoga Blvd.,  
Apt. # 1224,  
Corpus Christi, TX 78413  
U.S.A.

Citizenship

AUSTRALIAN

Post Office Address

same as above

Full name of second  
joint inventor, if any

Hal G. Smith

Inventor's signature



Date

month/day/year

Residence

6277 S. Mt. Vernon Drive  
Murray, UT 84107  
U.S.A.

Citizenship:

BRITISH

Post Office Address

same as above

Full name of third  
joint inventor, if any

Stephen Adkins

Inventor's signature



Date

8/2/01

month/day/year

Residence

3 Bronte Close,  
Gomersal,  
Cleckheaton,  
West Yorkshire  
BD19 4PU,  
Great Britain

Citizenship

British

Post Office Address

same as above

Full name of fourth  
joint inventor, if any

Anne Frances Hooley

Inventor's signature

A F Hooley

Date 8/3/01  
month/day/year

Residence

22 Coleridge Crescent,  
Wrenthorp,  
Wakefield,  
West Yorkshire  
WF2 0LZ  
Great Britain

Citizenship

British

Post Office Address

same as above

Full name of fifth  
joint inventor, if any

Brian Dymond

Inventor's signature

Brian Dymond

Date 8/3/01  
month/day/year

Residence

9 Carr House Road,  
Wyke,  
Bradford,  
West Yorkshire,  
BD12 8DE,  
Great Britain

Citizenship

British

Post Office Address

same as above



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CERTIFICATE OF MAILING

I hereby certify that this paper (and with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

ANDREA De Gecchi's  
Type or print name

Andrea De Gecchi's  
Signature

11/13/01  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
MICHAEL GERARD GALLAGHER ET AL  
APPLICATION NO: 09/866,967  
FILED: MAY 29, 2001  
FOR: TREATMENT OF MINERAL MATERIALS

Group Art Unit:  
Examiner:

Assistant Commissioner for Patents  
Washington, D.C. 20231

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DECLARATION

1. I hereby make the following declaration concerning steps the applicant has taken in order to obtain the signature of Hal G. Smith on the declaration and power of attorney for pending U.S. application 09/866,967 (Ciba Reference MP/2-21927/A/AC 536).

2. Smith joined Ciba and signed an Employment Agreement in October 1999 to work as an Alumina Specialist. Smith was expected to work with customers and provide technical support for sales. The Agreement provided that, in consideration for his salary and other compensation paid for his services during employment, Smith agreed that all inventions conceived or developed during his employment would be exclusively owned by Ciba. Smith further agreed to assist in Ciba's efforts to secure patents directed to such inventions and to execute any instruments necessary which Ciba may deem desirable in this or related applications.

3. The above-identified patent application contains subject matter that was prepared by Smith during the

hours. Smith worked, at times, with other Ciba employees to make further developments in the invention. Smith resigned his position with Ciba in March 2001. Smith participated in the preparation and drafting of the non-provisional patent application pending herein even though he had left Ciba's employment. A copy of the final non-provisional application was sent by courier to Smith in May 2001.

4. While preparing the non-provisional patent application, I had many conversations with Smith regarding the reasons for his resignation. I also received many email communications in which Smith elaborated on his reasons for leaving Ciba. Efforts were made to reach an understanding before the application was filed. It became clear that Smith would refuse to sign a declaration and power of attorney. A declaration and power of attorney was sent to the last known address in July and August 2001. Smith offered to sign the declaration and power of attorney if he received additional compensation for his work on the subject matter of this application. Various communications were exchanged to try and reach a settlement. These efforts were unsuccessful.

5. Smith's claim for additional compensation was reviewed internally and denied. All offers for settlement were or had been withdrawn by that time.

6. Smith contacted me on November 1, 2001 to inform me that he refused to sign the declaration and power of attorney. Smith stated that his reason for not signing the declaration and power of attorney was that he did not feel he had been fully compensated for his work.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Signed, this 13<sup>th</sup> day of November, 2001

  
David R. Crichton